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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,291	03/24/2004	Christopher S. Margeson	06550021AA	4051

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EXAMINER

KING, ANITA M

ART UNIT PAPER NUMBER

3632

DATE MAILED: 04/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

<b>Application No.</b> 10/807,291	<b>Applicant(s)</b> MARGESON, CHRISTOPHER S.	
<b>Examiner</b> Anita M. King	<b>Art Unit</b> 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1)  Responsive to communication(s) filed on 06 January 2006.
- 2a)  This action is **FINAL**.
- 2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4)  Claim(s) 1-30 is/are pending in the application.  
4a) Of the above claim(s) 11, 13 and 16-30 is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) 1-5, 7, 10 and 12 is/are rejected.
- 7)  Claim(s) 6, 8, 9, 14 and 15 is/are objected to.
- 8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on 24 March 2004 is/are: a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1)  Notice of References Cited (PTO-892)
- 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3/24/04.
- 4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5)  Notice of Informal Patent Application (PTO-152)
- 6)  Other: \_\_\_\_\_

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This is the second office action for application number 10/807,291, Acceleration Clamp Assist, filed on March 24, 2004.

***Election/Restrictions***

Claims 11, 13, and 16-30 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on January 6, 2006.

Applicant's election with traverse of the invention elected in the reply filed on January 6, 2006 is acknowledged. The traversal is on the ground(s) that the examiner has not properly prima facie demonstrated either distinctness of the inventions identified or the existence of a serious burden of examination in the absence of the requirement. This is not found persuasive because each invention is classified in a different class, to search for the particulars of invention I, which is merely drawn to an arrangement for positioning an object (practically any object), would not require the examiner to search in the field of measuring and testing nor the field of optical systems since the present claims of invention I do not specify an optical device as the object. Thus, the restriction is valid. In regards the election of species, one does not have search for a pivotal clamp in the same area as a clamp involving a transducer nor cantilever beam, the areas of search are substantially different and would result in a burdensome search, thus, the election of species requirement is proper.

The requirement is still deemed proper and is therefore made FINAL.

### ***Drawings***

The drawings are objected to because reference character "320" is not in Fig. 1 as suggested by the specification on page 8, line 15; reference character "310" in Fig. 3 is referring to an arrow not a table as suggested by the specification on page 16, line 16; reference character "460" in Fig. 4 is referring to both an arrow and a compression spring; and reference character "600" is not in Fig. 6 as suggested by the specification on page 18, line 23. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "410," "524," and "526". Corrected drawing sheets in compliance with 37

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CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

The disclosure is objected to because of the following informalities: on page 8, line 16 "cloamping" appears to be misspelled and should be --clamping--; on page 8, line 25, "40" appears to be incorrect and should be --30'--; and on page 9, line 3, "2B" appears to be incorrect and should be --2A--.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 7, 10, and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,560,846 to Shioya et al., hereinafter, Shioya. Shioya discloses an arrangement (Fig. 1) for positioning an object (12) relative to a surface,

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comprising: a clamp structure (40); a first actuator (42) for applying a first clamping force to the object; means for producing a signal (92) corresponding to acceleration of an assembly of the object and the surface; a second actuator (58) for applying a second clamping force to the object responsive to the means for producing a signal corresponding to the acceleration; wherein the first actuator is a passive actuator; wherein the second actuator is a dynamic actuator; wherein the first force is a static force; wherein the means for producing a signal corresponding to acceleration is an acceleration measurement device; wherein the second force is proportional to the acceleration; and a plunger (102) driven by one of the first actuator and the second actuator.

### ***Allowable Subject Matter***

Claims 6, 8, 9, 14, and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 5,410,206 to Luecke et al.

U.S. Patent 5,417,464 to Seaberg et al.

U.S. Patent 5,474,226 to Joseph


U.S. Patent Application Publication 2002/0029643 to Juranitch et al.

U.S. Patent 6,711,317 to Jin et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita M. King whose telephone number is (571) 272-6817. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Wood can be reached on (571) 272-6826. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Anita M. King  
Primary Examiner  
Art Unit 3632

April 3, 2006